

## DEPARTMENT OF INDUSTRIAL RELATIONS

Office of the Director

**Katrina S. Hagen**

Director

1515 Clay Street, Suite 2208

Oakland, CA 94612

Tel: (510) 286-7087 Fax: (510) 622-3265

**VIA EMAIL**

December 27, 2022

Kurt R. Oneto, Esq.

Sean P. Welch, Esq.

Nielsen Merksamer

1415 L Street, Suite 1200

Sacramento, CA 95814

[KOneto@nmgovlaw.com](mailto:KOneto@nmgovlaw.com)[SWelch@nmgovlaw.com](mailto:SWelch@nmgovlaw.com)

Dear Mr. Oneto and Mr. Welch,

I write in response to your letter of December 23, 2022. As your letter describes, the recently enacted Assembly Bill 257 charges the Department of Industrial Relations (“DIR”) with responsibility for certain acts in connection with the establishment of a Fast Food Council, as described in that bill. Pursuant to California law, AB 257 takes effect on January 1, 2023.

As you note, Article II, section 9 of the California Constitution provides voters the opportunity to approve or reject a statute pursuant to the referendum process. I am aware of the proposed referendum challenging AB 257. A statute challenged by referendum is suspended when a referendum is qualified for the ballot, and our elections laws set out a process for signatures in support of placing a referendum measure on the ballot to be verified before the Secretary of State may certify that a referendum is qualified for the ballot. That process is underway now.

If and when the referendum challenging AB 257 qualifies for the ballot, the law will be put on hold. But in the absence of clear authority providing that AB 257 is suspended merely upon submission of unverified signatures, DIR has an obligation to proceed with implementing the duly enacted statute.

Sincerely,

A handwritten signature in cursive script that reads 'Katrina S. Hagen'.

Katrina S. Hagen

Director, California Department of Industrial Relations